

Bengal Regulation Repealing Act, 1938

12 of 1938

[01 October 1938]

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Bengal Regulation Repealing Act, 1938

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Whereas it is expedient to repeal section VIII of the Bengal Regulation XI of 1806 : It is hereby enacted as follows :-

1. Short Title And Extent :-

The Act may be called the Bengal Regulation Repealing Act, 1938. It extends to the whole of the Uttar Pradesh.

2. The Bengal Troops Transport And Travellers Assistance Regulation, 1806, Repeal Of Section Viii :-

Section VIII of the Bengal Regulation XI of 1806 as amended by section 11 of the Bengal Regulation III of 1920, is hereby repealed.

SCHEDULE 1

APPENDIX A

Section VIII of Bengal Regulation XI of 1806 Police officers are empowered in cases of necessity to assist travellers in prosecuting their route-In what manner such assistance shall be afforded-Persons and carts and bullocks of certain descriptions, not to be employed in furnishing such assistance-Penalty for a breach of the above rule-Persons employed under this section, to be at liberty to return from the first police station in the next zillah, unless they may have engaged to the contrary. VIII. Whenever any military officer, neither commanding nor proceeding with a corps or detachment of troop, or any other person whether European or native, not restricted by Government from passing through the country, may be proceeding

within any part of the Company provinces, either on the public service or on his private affair, and shall be in need of assistance during his route, to enable him to prosecute his journey, he shall be at liberty to apply to the nearest local officer of police, to aid him in providing any requisite bearer, coolies, boatmen, carts or bullocks, or any necessary supplies of provisions or other articles. On receiving an application of the above nature the police officer to whom it may be made shall furnish the aid required, or cause it to be furnished by the proper person or persons; provided that a sufficient number of persons who have been accustomed to act as bearer, coolies, or boatmen, or the requisite number of carts and bullocks, not exclusively appropriated to the purposes of agriculture and occasionally let for hire, can be procured within his jurisdiction. But all police officers are strictly forbidden, under pain of dismissal from office (under the rules prescribed by Regulation V of 1804), on application of the above nature, to compel any person not accustomed to act as bearers, coolies or boatmen, to serve on such occasions, or to furnish a traveller, or cause him to be furnished, with bullocks or carts kept for private use and not for hire, or exclusively appropriated to the purposes of agriculture. Persons so employed, and the persons in-charge of carts and bullocks so provided shall be at liberty to return from the first police station in the next zillah through which the corps or detachment is to march, unless a voluntary engagement to the contrary may be entered into by such persons. The police officers are further enjoined to be careful that a proper compensation for the bearers, coolies, boatmen, carts or bullocks employed, and a just price for the provisions or the other articles provided, be secured to the persons entitled thereto. For this purpose, the police officers are authorized to adjust the rate of hire to be paid for the bearer, coolies, boatmen, carts, or bullocks required, and the price of any articles provided; as well as to demand that the whole, or a part, according to the circumstances of the case, be paid in advance. On what conditions assistance will be afforded to travellers Should any traveller refuse to comply with the adjustment or demand so made by a police officer, he will not be entitled to any assistance from the officers of Government under the Regulation.

SCHEDULE 2

APPENDIX B

Bengal Regulation III of 1820

A Regulation for rescinding some of the provisions of Regulation XI of 1806 and for preventing the practice of pressing coolies or begarees; passed by the Governor-General-in-Council, on the 24th March, 1820.

1. Preamble.--

Whereas the authority vested by Regulation XI of 1806, in the Collectors and their native officers, and in the Magistrates and their police officers to assist in procuring coolies for the purposes of facilitating the march of detachment of troops, or the progress of individual travellers, has operated to encourage the highly injurious practice which prevails, of forcible pressing certain classes of the inhabitants of the towns or/and villagers, under the denomination of beggarees or coolies for the purpose of carrying baggage or other loads from stage to stage or from village to village and whereas the Governor General in Council has deemed it expedient to adopt measures for the entire supersession of the said highly objectionable practice, the following rules have been enacted to have effect throughout the whole of the territories immediately subordinate to the Presidency of Fort William, from the date of their promulgation.

II. Part of provisions of Regulation XI of 1806, rescinded.--

Such part of the provisions of Regulation XI of 1806, as authorized the Collectors and their native officers, or the Magistrates and their police officers to give their official aid in procuring coolies for the purpose of facilitating the march of troops, or the progress of civil and military officers, or other travelling through the country, either on the public service or on their private affairs, is hereby rescinded.

III. The practice of pressing begarees prohibited : and the Magistrates enjoined to put a stop to the practice by all legal means in their powers.--

The practice of pressing or compelling individual, whether under the denomination of coolies, begarees, or any other denomination to carry burdens, either for the public service or for the convenience of private individuals, is hereby positively prohibited and the several Magistrates and joint Magistrates required to adopt all legal means in their power to put an entire stop to the practice in question, by inquiring fully into all complaints which may be brought before them, and by subjecting persons regularly convicted of the offence, to such penalties as of a consideration of the case may appear to be proper, and consistent with the powers vested in the Magistrates by the general Regulations.